IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R. RAMACHANDRAN NAIR

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

FAO. No. 103 of 2007

AGAINST THE ORDER DATED 09/03/2007 IN IA 663/2006 IN OS.33/2004 of SUB COURT, QUILANDY
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APPELLANTS/RESPONDENTS 1 TO 4/PLAINTIFFS:
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1. **THAYYIL KAPPINTAVIDA KUNHABDULLA HAJI, S/O.AMMAD, AGED 62 YEARS, BUSINESS, RESIDING AT PUTHANPURAKKAL, VILLIAPPALLY AMSOM, THIRUMANA DESOM, VATAKARA TALUK.**

2. **THAIKUTTY MEETHAL KATHEESA, D/O. KUNHAMMAD, AGED 48 YEARS, RESIDING AT PUTHANPURAKKAL, SWASTHAM, VILLIAPPALLY AMSOM, THIRUMANA DESOM, VATAKARA TALUK.**

3. **THAIKUTTY MEETHAL USMAN HAJI, S/O.KUNHAMMAD, AGED 49 YEARS, BUSINESS, VILLIAPPALLY AMSOM, MAYYANNUR DESOM, VATAKARA TALUK, KOZHIKKODE DISTRICT.**

4. **PONEMRIKANDIYIL THAMASIKKUM MADATHIL SHAREEFA, D/O.MOIDU, AGED 38 YEARS, SWASTHAM, VILLIAPPALLY AMSOM, DESOM, VATAKARA TALUK.**

BY ADV. SRI. T. SETHUMADHAVAN
SRI. PUSHPARAJAN KODOTH
SRI. K. JAYESH MOHANKUMAR

RESPONDENTS/PETITIONER IN THE I.A./2ND DEFENDANT-DEFENDANTS1&2
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1. **PUTHIYAKAMMAVEETTIL RASIYA, D/O. T.K. MOIDU, AGED 45 YEARS, HOUSE WIFE, AZHIKKAL AMSOM, DESOM, THALASSERY TALUK, KANNUR DISTRICT.**

2. KADANKANDY ELIKKAL KHAIRUNNISSA,
D/O. MAMMU HAJI, AGED 43 YEARS,
SWASTHAM,
THIRUVANGAD AMSOM, DESOM,
THALASSERY TALUK, KANNUR DISTRICT.

BY ADV. SRI. K.V. SOHAN for R1 & R2.

THIS FIRST APPEAL FROM ORDERS HAVING BEEN FINALLY HEARD ON 23/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & T.R. RAMACHANDRAN NAIR, JJ.

F.A.O. NO. 103 OF 2007

Dated this the 23rd day of July, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed against the order in I.A. No. 663/2006 in O.S. No. 33/2004 on the file of Sub Court, Koyilandy whereby the court appointed a receiver to manage the property.

2. Having extensively heard the parties, it appears, the appeal itself can be disposed of directing the trial court to expedite the trial and in the meanwhile there can be some arrangement with regard to the deposit of the rental income.

Accordingly, there will be a direction to the appellants to deposit before the trial court an amount of Rs. 5,000/- each per month starting from the month of April 2007. The deposit shall be made before 10th of every month and the arrears shall be deposited within one month from today. The amount shall lie in deposit until the suit is disposed of. There will be a direction to the trial court to expedite the trial. If it is ultimately found that respondents are not entitled to the amount as deposited, the

same shall be released to the appellants and in which case, the respondents will liable to pay interest at the rate of 8% for the said deposit. In view of the arrangement as above, we set aside the order under appeal regarding the appointment of the receiver.

KURIAN JOSEPH
JUDGE

T.R. RAMACHANDRAN NAIR
JUDGE

smp